United Nations S/2002/648

Security Council

Distr.: General
7 June 2002

Original: English

Letter dated 7 June 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith the observations of the Government of Rwanda on the statement issued on 5 June 2002 by the President of the Security Council on the Democratic Republic of the Congo (S/PRST/2002/19) (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Anastase **Gasana**
Ambassador
Permanent Representative

02-41749 (E) 070602

Annex to the letter dated 7 June 2002 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Observations of the Government of Rwanda on the statement issued on 5 June 2002 by the President of the Security Council on the Democratic Republic of the Congo

The Presidential statement addresses three unrelated issues in a manner that gives the impression that the Security Council was not properly briefed on them. These are:

1. The "events" of 14 May 2002 in the city of Kisangani and their aftermath;
2. The "ban" by the Rassemblement Congolais pour la Démocratie-Goma (RCD-Goma) of the United Nations Special Representative to the Democratic Republic of the Congo, Mr. Amos Ngongi;
3. The "expulsion" of two MONUC personnel from the RCD-Goma controlled area.

The Government of Rwanda wishes to share with the Security Council the following:

1. On the morning of 14 May 2002, a group of former Mobutu soldiers (EX-FAZ) integrated in the RCD Army mutinied, took over the National Radio in Kisangani and made the following two announcements:

   - They said that they had taken the city and given it over to the Government of Kinshasa, which was shortly sending planes loaded with reinforcements.
   - They called on the population of Kisangani to take up all arms they had (machetes, clubs, stones, etc.) and kill every person who looked like a Rwandese. The population responded en masse, notably those living in the Commune of Mangobo, and killed some Banyarwanda and Hema.

   Forces loyal to RCD-Goma intervened and stopped the mutiny.

   While the Government of Rwanda understands the Security Council's condemnation of the excessive force that may have been used by the RCD-Goma forces to crush the mutiny, it was shocked by the fact that the Presidential statement is silent about the call for genocide made by the mutineers and their attempt to hand over the city of Kisangani to President Kabila. Should we interpret this to mean that the killing of Rwandans in the region is a non-event or that it is normal for the Government of Kinshasa to attempt to take over Kisangani even when there is a ceasefire?

   The Government of Rwanda wishes to remind the Security Council that the RCD has called on the United Nations to set up an independent commission of inquiry (which does not include MONUC because its role

also needs to be clarified) into the events of 14 May in Kisangani, but to this day nothing has been done.

2. Concerning the call made by the RCD-Goma to the Secretary-General of the United Nations to withdraw his Special Representative, the Government of Rwanda wishes to inform the Security Council that this was a result of a report made by Mr. Ngongi to the United Nations in which he stated that, in his view, RCD-Goma had disintegrated and was no longer a factor in the Congolese equation. He even wondered if he should continue to have dealings with RCD-Goma. In reaction to this, RCD-Goma decided to relieve him of his dilemma by informing the Secretary-General that it would no longer deal with Mr. Ngongi and that for the good of MONUC it would be better if he was replaced.

3. The expulsion of the two MONUC personnel from the area controlled by RCD-Goma has to do with the throwing of a grenade during a mass procession in Goma on 24 March 2002 which resulted in the death of a priest and a girl and many injuries. RCD-Goma has recently arrested the culprit, who revealed that he did it for the benefit of the Kinshasa Government and accused the two employees of MONUC of having served as a channel of communication between him and Kinshasa. He said that they were facilitating activities of various negative forces operating in the RCD-Goma controlled area.

   While the Government of Rwanda understands that it is the duty of the Security Council to defend the staff of MONUC, it does not think that these destabilization activities resulting in the death of innocent people were part of their stated mission.

The Government of Rwanda believes that, in drafting this Presidential statement, not all available information was used and therefore the Security Council was not properly informed.

Finally, the Government of Rwanda wishes to inform the Security Council that it has heeded the call on it to exert its influence to have RCD-Goma meet all its obligations under the resolutions of the Security Council and promises that it will spare no effort to achieve a just and durable peace in the Great Lakes region. However, the same call should be made on all allies to the Congolese parties involved in the crisis.

For the Government of Rwanda

Patrick **Mazimhaka**
Presidential Special Envoy to the Great Lakes Region

United Nations A/57/86–S/2002/649

General Assembly
Security Council

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7 June 2002
English
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General Assembly
Fifty-seventh session
Item 48 of the preliminary list*
Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security

Security Council
Fifty-seventh year

Letter dated 6 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, dated 6 June 2002, on the occasion of the twenty-first anniversary of the Zionist military aggression against Iraqi nuclear facilities intended for peaceful uses (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council and of the General Assembly under item 48 of the provisional agenda of its fifty-seventh session, entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security".

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

* A/57/50/Rev.1.

02-41779 (E) 110602 120602

Annex to the letter dated 6 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

[Original: Arabic]

Letter dated 6 June 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

It is now the twenty-first anniversary of the armed Zionist military aggression against the Iraqi nuclear installations dedicated to peaceful purposes, Israeli warplanes having carried out an air attack on the city of Baghdad and targeted the Iraqi nuclear installations at 1837 hours on 7 June 1981. This Zionist aggression created a dangerous precedent in international relations, inasmuch as it targeted nuclear installations that were dedicated to peaceful purposes and subject to the full-scale safeguards regime of the International Atomic Energy Agency (IAEA) and is an example of the use of force against an independent State in flagrant violation of the Charter of the United Nations and the norms of international law.

In view of the immediate and future legal, political and environmental dimensions of this brutal aggression, international organizations adopted a series of resolutions and recommendations in its regard. The most significant responses from international organizations are set forth hereunder.

1. The Board of Governors of IAEA, in its resolution of 12 June 1981, and the General Conference of IAEA, in its resolution GC(XXV)/RES/381 of 26 September 1981, condemned Israel in the strongest terms, decided to suspend its rights and privileges as a member of the Agency and the provision of any assistance to it under the Agency's Technical Assistance Programme and requested the Security Council to keep the matter under review.

2. In its resolution 487 (1981), the Security Council:

> Condemned the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct;
>
> Expressed deep concern about the danger to international peace and security created by the premeditated Israeli air attack on Iraqi nuclear installations on 7 June 1981;
>
> Called upon Israel to refrain in the future from any such acts or threats thereof;
>
> Considered that the Israeli attack constituted a serious threat to the entire IAEA safeguards regime, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons;
>
> Recognized the inalienable sovereign right of Iraq and all other States, especially the developing countries, to establish programmes of technological and nuclear development to develop their economy and industry for peaceful purposes in accordance with their present and future needs and consistent with the internationally accepted objectives of preventing nuclear-weapons proliferation;
>
> Called upon Israel to place its nuclear facilities under IAEA safeguards;

Considered that Iraq was entitled to appropriate redress for the destruction it had suffered, responsibility for which had been acknowledged by Israel.

3. The General Assembly adopted five resolutions on the armed Zionist aggression against Iraqi nuclear facilities intended for peaceful uses, namely resolutions 36/27, 37/18, 38/9, 39/14 and 40/6, under the item entitled "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security". In the aggregate of these resolutions, the Assembly:

Strongly condemned Israel for the deliberate and unprecedented act of aggression that it had committed in violation of the Charter of the United Nations and the norms of international conduct, which created a threat to international peace and security;

Condemned Israel's refusal to comply with Security Council resolution 487 (1981);

Strongly condemned Israel for the escalation of its acts of aggression in the region;

Requested the Security Council to take urgent and effective measures to ensure that Israel complied without further delay with the provisions of resolution 487 (1981) and to deter Israel from repeating such an attack on nuclear facilities;

Viewed with deep concern Israel's refusal to comply with the relevant resolutions of the Security Council, the General Assembly and IAEA;

Called upon States and organizations to discontinue their cooperation with and assistance to Israel in the nuclear field and to cease any provision to Israel of arms and related material of all types which enabled it to commit acts of aggression against other States;

Noted with concern that Israel had refused to accede to the Treaty on the Non-Proliferation of Nuclear Weapons despite repeated international appeals to do so, and called upon it urgently to place all its nuclear facilities under IAEA safeguards in accordance with Security Council resolution 487 (1981);

Considered the Israeli act of aggression to be a violation and a denial of the inalienable sovereign right of States to scientific and technological progress for achieving economic and social development and raising the standards of peoples and the dignity of the human person, as well as a violation and a denial of inalienable human rights and the sovereign right of States to development; and affirmed the right of States to develop technological and nuclear programmes for peaceful purposes, in accordance with the internationally accepted objectives of preventing proliferation;

Called upon the Security Council to institute effective enforcement action to prevent Israel from further endangering international peace and security through its acts of aggression and continued policies of expansion, occupation and annexation;

Expressed its conviction that Israeli threats to attack nuclear installations in Iraq and in other countries would continue to jeopardize international peace and security in the region, and warned it to desist from such armed attacks against nuclear installations;

Affirmed that Israel bore international responsibility for its aggression against the Iraqi nuclear installations dedicated to peaceful purposes;

Expressed its grave concern over the misuse by Israel, in committing its acts of aggression against Arab countries, of the aircraft and weapons provided to it by the United States of America;

Expressed alarm at the increasing information and evidence regarding Israel's acquisition and development of nuclear weapons.

In addition to the resolutions adopted by international organizations, many of the world's countries have also issued statements condemning the Zionist military aggression against Iraqi nuclear installations that were dedicated to peaceful purposes and subject to the IAEA safeguards regime, considering it to be in violation of the Charter of the United Nations and the norms of international law and to create a dangerous precedent in international relations and calling for the protection of nuclear installations dedicated to peaceful purposes, for such attacks not to be repeated and for the aggressor to be deterred.

Despite the fact that 21 years have elapsed since these resolutions expressing the will of the international community were adopted, the United Nations Security Council has not obliged the Zionist entity to implement any of these resolutions, which the latter has rejected. The Zionist entity is still refusing to accede to the Non-Proliferation Treaty, to dismantle its nuclear arsenal and to place its nuclear facilities under the IAEA full-scale safeguards regime, and it continues urgently to develop its arsenal of nuclear weapons, all types of weapons of mass destruction and the means for their delivery. The Zionist entity is pursuing its aggressive and expansionist policy towards the Arab nation, maintaining its occupation of Arab territory and continuing to use barbaric terrorism and brute force against the Palestinian people. It should be noted that this stance of the Zionist entity, which is contrary to and violates the norms of international law, the United Nations Charter and international customs and conventions, receives support and backing from the United States, a permanent member of the Security Council on which the United Nations Charter confers clearly defined responsibilities to implement United Nations resolutions and maintain international peace and security.

On the twenty-first anniversary of the Zionist aggression against Iraqi nuclear installations that were dedicated to peaceful purposes, we alert you to the dangers inherent in the possession by the Zionist entity of nuclear weapons and other weapons of mass destruction for regional and international peace and security. We call for the implementation of the relevant resolutions of the Security Council, the General Assembly and IAEA and, in particular, of Security Council resolution 487 (1981), in which the Council calls upon Israel to place its nuclear facilities under IAEA safeguards, and paragraph 14 of Security Council resolution 687 (1991), which called for the establishment in the Middle East of "a zone free from weapons of mass destruction".

The double standards employed by the Security Council and the failure to implement its resolutions relating to the Zionist entity have emboldened the latter to

amass large arsenals of weapons of mass destruction, to pursue its aggressive terrorist policy against the Palestinian people, and to launch attacks against the Arab States, including Iraq. At the same time the Security Council is calling on other States to divest themselves of their conventional defensive weapons which ensure their national security.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

United Nations A/ES-10/178–S/2002/650

General Assembly
Security Council

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10 June 2002

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 10 June 2002 from the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli occupying forces, once again, reoccupied parts of the Palestinian City of Ramallah and imposed a military siege on the headquarters of the President of the Palestinian Authority in the city. At pre-dawn hours (Palestine time), Israeli occupying forces, using tanks, armoured personnel carriers and helicopter gunships, imposed a curfew on the city, killed at least one Palestinian, abducted several and caused further damage to Palestinian property.

The Security Council of the United Nations should condemn such illegal and criminal Israeli behaviour, ensure the immediate withdrawal of the occupying forces and prevent any reoccurrence in the future. The Council should at least make sure that its own resolutions, including resolution 1402 (2002) and 1403 (2002), are fully implemented. We call on the Security Council to immediately consider the situation and take the necessary measures in this regard.

Yesterday, the Israeli Prime Minister, Mr. Ariel Sharon, wrote an article in the *New York Times* that provided additional proof, if any were needed, of his actual rejection of peace in the Middle East. Mr. Sharon insulted the Security Council and the entire international community by completely distorting Security Council resolution 242 (1967) and trying to justify expansionism and occupation under the resolution. Mr. Sharon further made it clear that he refuses the conclusion of any final settlement in the near future and indeed even at a later stage. He stated that "Israel will not return to the vulnerable 1967 armistice lines, redivide Jerusalem or concede its right to defensible borders under resolution 242." Mr. Sharon should not be allowed to destroy the agreed-upon basis of the Middle East peace process, and we believe that the Security Council has the responsibility to condemn the position of Mr. Ariel Sharon and to protect the integrity of its resolution 242 (1967).

02-41909 (E) 100602

In follow-up to my previous 124 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 6 June 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/249; A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/361; A/ES-10/166-S/2002/370; A/ES/10/167-S/2002/433; A/ES-10/168-S/2002/474; A/ES-10/169-S/2002/495; A/ES-10/173-S/2002/536; A/ES-10/174-S/2002/555; A/ES-10/175-S/2002/610; A/ES-10/176-S/2002/617 and A/ES-10/177-S/2002/641), I regret to inform you that since my last letter to you, Israeli occupying forces have killed seven Palestinians, increasing the total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 to 1,607 people (see annex).

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 10 June 2002 from the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Thursday, 6 June 2002 through Sunday, 9 June 2002)

Thursday, 6 June 2002 (in addition to the name already sent in our letter dated 6 June 2002)

1. Mohammed Suliman Abu Omrah

Friday, 7 June 2002

1. Nizam Mohammed Saber Abu Hamdieh (from wounds sustained on 3 June 2002)
2. Saeed Mohammed Alteter
3. Mohammed Wady
4. Osama Abu Als'ood
5. Yussef Al-Milahi

Sunday, 9 June 2002

1. Sami Ahmed Musleh

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* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,607.

United Nations A/56/972–S/2002/651

General Assembly
Security Council

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10 June 2002
English
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General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 10 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a statistical table showing the number of Israeli violations of Lebanese sovereignty during the month of May 2002 (see annex).

These Israeli violations and acts of aggression against Lebanese sovereignty by air, land and sea constitute violations of the Blue Line and of Security Council resolution 425 (1978) and represent a threat to stability in the region by spreading an atmosphere of tension.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Houssam Asaad **Diab**
Chargé d'affaires a.i.

02-41926 (E) 110602 110602

Annex

Information summary

Statistical table showing the number of Israeli violations during the month of May 2002

Air violations					*Land violations*				
Military jet	*Reconn-aissance*	*Heli-copter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total violations*	*Remarks*
				Crossing of regional waters, shooting of fireballs	Air raids, shelling of military locations and important centres	Artillery shelling, firing, infiltration, setting up of installations within Lebanese territory	Threats and displaying of weapons, bulldozing of soil, placing of barbed wire inside Lebanese territory		Total number of violations during the previous month 87 The table does not include violations in the occupied Kafr Shuba hills and Shebaa Farms areas, inasmuch as these are considered military operations areas.
24	28	9	61	12	2	3	5	83	

United Nations S/2002/652

Security Council

Distr.: General
12 June 2002

Original: English

Draft resolution

The Security Council,

Welcoming the report of the Secretary-General of 30 May 2002 (S/2002/590) on the United Nations operation in Cyprus, and in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus (UNFICYP) beyond 15 June 2002,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, and in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

2. *Decides* to extend the mandate of UNFICYP for a further period ending 15 December 2002;

3. *Requests* the Secretary-General to submit a report by 1 December 2002 on the implementation of this resolution;

4. *Urges* the Turkish Cypriot side and Turkish forces to rescind the restrictions imposed on 30 June 2000 on the operations of the UNFICYP and to restore the military status quo ante of Strovilia;

5. *Decides* to remain actively seized of the matter.

02-42395 (E) 130602

United Nations S/2002/653

Security Council

Distr.: General
11 June 2002
English
Original: Arabic

Letter dated 9 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I would like to inform you that 1,059 unexploded cluster bombs, missiles, other ordnance and anti-tank and anti-personnel mines left over from the thirty-State aggression against Iraq in 1991 were found and disposed of in various parts of Iraq between 1 March 2002 and 31 May 2002. They were found in the following governorates: Baghdad, Basrah, Najaf, Dhi Qar, Ninawa, Anbar and Muthanna.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohamed **Aldouri**
Ambassador
Permanent Representative

02-42200 (E) 120602 120602

United Nations A/ES-10/179–S/2002/654

General Assembly
Security Council

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11 June 2002

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 11 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli occupying forces continue to reoccupy the Palestinian City of Ramallah and continue to impose a military siege on the headquarters of the President of the Palestinian Authority in the city. The Israeli occupying forces have also continued to commit atrocities against the Palestinian people in those areas, using tanks and helicopter gunships to carry out assaults. The extremely dangerous political repercussions of these ongoing Israeli actions must be underscored, especially in light of what the Israeli government might perceive as encouragement by certain quarters.

The Security Council should condemn such illegal Israeli actions and ensure the immediate withdrawal of the occupying forces and to take actions to prevent any reoccurrence in the future. We once again, call on the Security Council to immediately consider the situation and take the necessary measures in this regard.

In follow-up to my previous 125 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 10 June 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-

02-42150 (E) 110602

S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/249; A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/361; A/ES-10/166-S/2002/370; A/ES/10/167-S/2002/433; A/ES-10/168-S/2002/474; A/ES-10/169-S/2002/495; A/ES-10/173-S/2002/536; A/ES-10/174-S/2002/555; A/ES-10/175-S/2002/610; A/ES-10/176-S/2002/617; A/ES-10/177-S/2002/641 and A/ES-10/178-S/2002/650), I regret to inform you that three more Palestinians have been killed by Israeli occupying forces raising the total number of Palestinian martyrs killed since 28 September 2000 to 1,610 people.

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 11 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Friday, 7 June 2002, through Monday, 10 June 2002)

Friday, 7 June 2002 (in addition to the names already sent in our letter dated 10 June 2002)

1. Ziad Rifaat Yasmin
2. Doa'a Ziad Al-Jayousi

Monday, 10 June 2002

Yasser Sawalha

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* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,610.

United Nations S/2002/655

Security Council

Distr.: General
11 June 2002
English
Original: Arabic and English

Letter dated 11 June 2002 from the Permanent Representative of the Kingdom of Bahrain to the United Nations addressed to the President of the Security Council

In my capacity as Chairman of the Arab Group for the month of June 2002, and on behalf of the States members of the League of Arab States, I request that an urgent meeting of the Security Council be convened to consider the extremely grave and deteriorating situation in the occupied Palestinian territory, including Jerusalem, with the aim of ensuring the implementation of the relevant Security Council resolutions.

(*Signed*) Jassim Mohammed **Buallay**
Ambassador
Permanent Representative
Chairman of the Arab Group

02-42156 (E) 110602 110602

United Nations S/2002/656

Security Council

Distr.: General
12 June 2002
English
Original: Arabic

Letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, dated 11 June 2002, stating that American and British aircraft have burned crops of barley in the governorate of Ninawa.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed **Aldouri**
Ambassador
Permanent Representative

02-42170 (E) 130602 130602

Annex to the letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I should like to inform you that the United States of America and the United Kingdom have added a new act of aggression to the list of continual criminal attacks they have carried out against the Republic of Iraq since 1991, targeting civilians and their dwellings, crops and property.

On 28 May 2002 American and British aircraft dropped heat flares on crops of barley in the governorate of Ninawa, burning large areas of these crops: 1,630 dunums in the district of al-Hamdaniya and 400 dunums in the district of Hamam al-Alil.

This new incident of burning crops illustrates the inhumanity and the immorality of the policy of these two States towards Iraq, which seeks to inflict maximum damage on the Iraqi people and target its source of domestically produced food after imposing comprehensive sanctions on Iraq. This policy constitutes an act of terrorism and a crime against humanity which the international community must not ignore.

All States which love peace and respect the rule of law and the institutions of the international community must resist this iniquitous terrorist policy, adhere to the principles of international law and the customs and values which govern international relations and demand an immediate end to this aggression.

We appeal to the United Nations, through you, to declare its complete rejection of this aggressive American policy, to endeavour to put an immediate end to this aggression which is targeting an entire people and waging war on it through the source of its livelihood and to hold the perpetrators of this aggression to account for their crimes.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs of the Republic of Iraq

United Nations A/56/975–S/2002/657

General Assembly
Security Council

Distr.: General
11 June 2002

Original: English

General Assembly
Fifty-sixth session
Agenda items 10, 21 (d), 55, 118 and 119

Security Council
Fifty-seventh year

Report of the Secretary-General on the work of the Organization

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of the Islamic Conference

Implementation of the resolutions of the United Nations

Right of peoples to self-determination

Human rights questions

Identical letters dated 11 June 2002 from the Permanent Representative of Mali to the United Nations addressed to the Secretary-General and the President of the Security Council

1. The Organization of the Islamic Conference (OIC) has called for a peaceful resolution of the Jammu and Kashmir dispute, which has so often led to war between Pakistan and India, and, even now, threatens regional and international peace and security. The root cause of the current and recurring tensions in the unresolved dispute over Jammu and Kashmir.

2. The OIC has established a Contact Group on Jammu and Kashmir, with representative composition, to advance its peaceful resolution. In conformity with this mandate, the Contact Group, which met in New York today, 11 June 2002, is transmitting this communication to the President of the Security Council, and simultaneously to you, to seek urgent action to prevent another war in South Asia and promote efforts to address the Jammu and Kashmir dispute.

3. The Ninth Extraordinary session of the Islamic Conference of Foreign Ministers, in their communiqué of 10 October 2001, rejected any linkage between terrorism and the right of Islamic and Arab peoples to self-determination and self-defence against foreign occupation. In its declarations and communiqués adopted over many years, the OIC has consistently supported the exercise of the right of self-determination by the people of Jammu and Kashmir, in accordance with the relevant resolutions of the United Nations.

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4. In the context of the current crisis, the OIC Contact Group urges the Security Council and the Secretary-General, in discharge of their central responsibilities under the Charter of the United Nations, to take expeditious steps to prevent the use of force or threat of force, proscribed by Article 2 (4) of the Charter, and to call for immediate military de-escalation and mutual withdrawal of forces by India and Pakistan to normal peacetime locations. Unless this is achieved, the danger of war will remain ever present.

5. Further steps must be implemented by the parties to defuse the tensions and halt the violations of human rights while simultaneous actions are taken to discourage recourse to violence in the Kashmiri struggle for self-determination.

6. These steps will serve to create an environment that is conducive to the initiation of a political process, including a dialogue between Pakistan and India, to promote a just and peaceful solution of the Jammu and Kashmir dispute, in accordance with the relevant United Nations resolutions and the wishes of the Kashmiri people.

7. The OIC has consistently called for recourse to dialogue by Pakistan and India to address and resolve the underlying causes of tension between them, especially Kashmir. This is also the position taken by the United Nations Security Council, notably in resolution 1172 (1998).

8. The OIC Contact Group on Jammu and Kashmir expresses its confidence that the Security Council and its members, as well as the Secretary-General of the United Nations, will act urgently and effectively, consistent with their mandates and Charter responsibilities, to prevent another war between Pakistan and India and to promote a just and peaceful solution to the Jammu and Kashmir dispute.

9. We request that the present letter be circulated as a document of the General Assembly, under agenda items 10, 21 (d), 55, 118 and 119, and of the Security Council.

(*Signed*) Cheickna **Keita**
Chargé d'affaires a.i.
Permanent Mission of the Republic of Mali
Chairman of the OIC Contact Group on Jammu and Kashmir

United Nations S/2002/658

Security Council

Distr.: General
13 June 2002

Original: English

Letter dated 12 June 2002 from the Permanent Observer of Palestine to the United Nations addressed to the President of the Security Council

I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held tomorrow, Thursday, 13 June 2002, regarding the situation in the Occupied Palestinian Territory, including Jerusalem.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

02-42383 (E) 130602

United Nations S/2002/659

Security Council

Distr.: General
13 June 2002
English
Original: Arabic

Letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you, enclosed herewith, a letter dated 11 June 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning threats by the United States of America to use its nuclear capability against a number of States, including Iraq.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Permanent Representative

02-42537 (E) 180602 180602

Annex to the letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On 10 March 2002 United States newspapers leaked information on a confidential report by the United States Department of Defense (the Pentagon) entitled "Re-evaluation of the nuclear situation", in which it is stated that the Administration of President George W. Bush had ordered the Department of Defense to prepare contingency plans for the use of nuclear weapons against China, Iraq, the Democratic People's Republic of Korea, the Islamic Republic of Iran, the Libyan Arab Jamahiriya, the Russian Federation and the Syrian Arab Republic, and that the Department of Defense had submitted the report to the Senate on 8 January 2002. Later, senior United States Administration officials confirmed the information in the report.

This United States declaration seriously flouts the principles and goals of the United Nations, the foremost of which is the maintenance of international peace and security, and undermines the strenuous efforts which the United Nations has made for more than 50 years — and continues to make — in the direction of nuclear disarmament, beginning with the first resolution adopted by the General Assembly at its first session on 24 January 1946, which called for the "control of atomic energy to the extent necessary to ensure its use only for peaceful purposes", and ending with the resolutions adopted at the fifty-sixth session of the General Assembly, including resolution 56/24 N of 29 November 2001. This resolution stressed the central importance of nuclear-weapons States taking practical steps with the object of reducing their nuclear arsenals and diminishing the role of nuclear weapons in security policies to minimize the risk that these weapons will be used and to facilitate the process of their total elimination. General Assembly resolution 56/24 N also urged all the nuclear-weapon States to take steps leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all. General Assembly resolution 56/25 B of 29 November 2001 reaffirms that "any use of nuclear weapons would be a violation of the Charter of the United Nations and a crime against humanity" and that "all States should actively participate in efforts to bring about conditions in international relations among States in which a code of peaceful conduct of nations in international affairs could be agreed upon and that would preclude the use or threat of use of nuclear weapons".

In the context of international efforts to reject the use or threat of use of nuclear weapons and fully to eliminate these lethal weapons, the International Court of Justice issued an advisory opinion on 8 July 1996 (A/51/218) which states in paragraph C: "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful." Paragraph E of this opinion states that "... the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law."

Moreover, the threat by the United States to use nuclear weapons against non-nuclear-weapon States that are parties to the Nuclear Non-Proliferation Treaty is a grave violation of United States obligations under the provisions of Security Council resolutions 255 (1968) and 984 (1995). Paragraph 1 of resolution 255 (1968)

"*Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter". Paragraph 3 of Security Council resolution 984 (1995) "*recognizes further* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression."

It is very important to recall that the General Assembly had asserted in a document of its first special session devoted to disarmament in 1978 that the taking of effective disarmament measures and the prevention of nuclear war were matters of high priority and called on all States, particularly nuclear-weapon States, to ensure that the use of nuclear weapons is averted and that nuclear war is prevented.

It is an established principle of international law that the use or threat of use of nuclear weapons constitutes a violation of the legal norms governing international relations and the United Nations Charter and poses a very serious threat to mankind and the survival of civilization. For the first time since the dawn of the abominable nuclear age following the use by the United States of nuclear weapons against two Japanese cities, human society is in fact and in earnest facing the threat that these terrifying weapons may be used. This means that the United States has gone beyond the strategy of nuclear deterrence, forsaking it for a strategy with an operational dimension as part of a policy of brute force and the imposition of its hegemony.

The international community and its institutions, foremost among which are the United Nations and the Security Council in particular, are urged to declare their strong opposition to the use of the threat of nuclear weapons as an instrument of the aggressive foreign policy of the United States, to declare their adherence to nuclear disarmament procedures and to intensify efforts to bring about the conclusion of a legally binding international instrument banning the use of nuclear weapons and furnishing non-nuclear States with security guarantees against the use or threat of use of nuclear weapons, thereby achieving the total elimination of nuclear weapons.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs
of the Republic of Iraq

United Nations S/2002/660

Security Council

Distr.: General
13 June 2002
English
Original: Arabic

Letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter from Mr. Nag Sabre, Minister for Foreign Affairs of the Republic of Iraq, dated 11 June 2002, concerning the practices of the representatives of the United States of America and the United Kingdom on the Security Council Committee established by resolution 661 (1990) in delaying an agreement on the pricing of oil.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Alder**
Ambassador
Permanent Representative

02-42531 (E) 170602 170602

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Annex to the letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I should like to draw your attention to a serious phenomenon concerning the practices of the United States and United Kingdom representatives on the Security Council Committee established by resolution 661 (1990) in seeking to change the approval procedures for the pricing of Iraqi oil exported under the memorandum of understanding and the oil-for-food programme.

The arrangements adopted by the Committee at the beginning of the programme are set out in paragraph 5 of the list of procedures set by the Committee for the implementation of Council resolution 986 (1995) (S/1996/636), which states: "The Government of Iraq or SOMO may submit at any time pricing mechanisms for sales of petroleum for review by the Committee. The overseers will assess these pricing mechanisms, in particular whether they reflect fair market value and will provide analysis and recommendations to the Committee. The Committee will then review the pricing mechanism according to its no-objection procedure within two business days".

The above-mentioned procedures were in force until the end of September 2001 when the Committee agreed to the pricing proposed by the Iraqi State Oil Marketing Organization (SOMO) within two business days.

In October 2001 the United States and United Kingdom representatives began to suspend the oil pricing mechanisms submitted to the Committee, thereby delaying agreement on pricing, despite the fact that SOMO had discussed this pricing and agreed to it with the oil overseers of the Office of the Iraq Programme. This constitutes a flagrant violation of these procedures.

Experience since October 2001 has shown that an agreement on oil pricing takes a period of not less than 20 days, and in many cases more than 30 days, from the date on which the pricing is submitted. As a recent example, SOMO is still awaiting a pricing agreement for the month of May 2002 on shipments destined for the United States market, despite the fact that over 35 days have elapsed since the pricing was proposed.

This conduct, consisting of delaying an agreement on pricing, which the oil market calls "retroactive pricing", has placed purchasers of Iraqi oil in the position of the injured party in purchasing our oil as compared with other, competitor oil on the market, since they have been forced to load shipments of oil without knowing the price they will pay or the extent of risk to which they will be exposed. As a result, some purchasers of Iraqi oil have suffered huge losses. This has naturally made them hesitant as to whether to load shipments of our oil or to forgo them, and has led to delays in loading shipments already agreed upon. This has resulted in a big decline in Iraqi crude oil exports — a decline estimated at some 500,000 barrels a day — with respect to Iraq's export capacity and has thus adversely affected the revenue under the memorandum of understanding and the oil-for-food programme.

These adverse effects were more visible during the last month of phase XI and the beginning of phase XII of the implementation of the memorandum of understanding, when there was another drop in crude oil exports.

In the light of the foregoing, I urge you, by virtue of your responsibility for the implementation of the memorandum of understanding and the oil-for-food programme, to intervene to guarantee the correct legal implementation of the oil pricing mechanism adopted at the beginning of the programme, so as to ensure the smooth execution of the programme and the availability of sufficient funds for it.

(*Signed*) Nag **Sabre**
Minister for Foreign Affairs of the Republic of Iraq

United Nations S/2002/660*

Security Council

Distr.: General
19 June 2002
English
Original: Arabic

Letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, dated 11 June 2002, concerning the practices of the representatives of the United States of America and the United Kingdom on the Security Council Committee established by resolution 661 (1990) in delaying an agreement on the pricing of oil.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

* Reissued for technical reasons.

02-42531* (E) 190602

Annex to the letter dated 11 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I should like to draw your attention to a serious phenomenon concerning the practices of the United States and United Kingdom representatives on the Security Council Committee established by resolution 661 (1990) in seeking to change the approval procedures for the pricing of Iraqi oil exported under the memorandum of understanding and the oil-for-food programme.

The arrangements adopted by the Committee at the beginning of the programme are set out in paragraph 5 of the list of procedures set by the Committee for the implementation of Council resolution 986 (1995) (S/1996/636), which states: "The Government of Iraq or SOMO may submit at any time pricing mechanisms for sales of petroleum for review by the Committee. The overseers will assess these pricing mechanisms, in particular whether they reflect fair market value and will provide analysis and recommendations to the Committee. The Committee will then review the pricing mechanism according to its no-objection procedure within two business days".

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In October 2001 the United States and United Kingdom representatives began to suspend the oil pricing mechanisms submitted to the Committee, thereby delaying agreement on pricing, despite the fact that SOMO had discussed this pricing and agreed to it with the oil overseers of the Office of the Iraq Programme. This constitutes a flagrant violation of these procedures.

Experience since October 2001 has shown that an agreement on oil pricing takes a period of not less than 20 days, and in many cases more than 30 days, from the date on which the pricing is submitted. As a recent example, SOMO is still awaiting a pricing agreement for the month of May 2002 on shipments destined for the United States market, despite the fact that over 35 days have elapsed since the pricing was proposed.

This conduct, consisting of delaying an agreement on pricing, which the oil market calls "retroactive pricing", has placed purchasers of Iraqi oil in the position of the injured party in purchasing our oil as compared with other, competitor oil on the market, since they have been forced to load shipments of oil without knowing the price they will pay or the extent of risk to which they will be exposed. As a result, some purchasers of Iraqi oil have suffered huge losses. This has naturally made them hesitant as to whether to load shipments of our oil or to forgo them, and has led to delays in loading shipments already agreed upon. This has resulted in a big decline in Iraqi crude oil exports — a decline estimated at some 500,000 barrels a day — with respect to Iraq's export capacity and has thus adversely affected the revenue under the memorandum of understanding and the oil-for-food programme.

These adverse effects were more visible during the last month of phase XI and the beginning of phase XII of the implementation of the memorandum of understanding, when there was another drop in crude oil exports.

In the light of the foregoing, I urge you, by virtue of your responsibility for the implementation of the memorandum of understanding and the oil-for-food programme, to intervene to guarantee the correct legal implementation of the oil pricing mechanism adopted at the beginning of the programme, so as to ensure the smooth execution of the programme and the availability of sufficient funds for it.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs of the Republic of Iraq

United Nations S/2002/661

Security Council

Distr.: General
13 June 2002
English
Original: Arabic

Letter dated 12 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I should like to transmit to you herewith a letter dated 11 June 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of Iraq, concerning violations of the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM) which have been committed by United States and British warplanes flying from bases in Kuwait, together with a table showing those violations for the period from 4 to 31 May 2002.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed A. **Aldouri**
Ambassador
Permanent Representative

02-42434 (E) 170602 170602

BEST COPY AVAILABLE

Annex to the letter dated 12 June 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Further to our letter of 16 May 2002 (S/2002/560, annex), I should like to inform you that during the period from 4 to 31 May 2002, United States and British warplanes committed 714 violations of Iraq's international boundaries from bases in Kuwait, from Kuwait's airspace and territorial waters and via the demilitarized zone monitored by the United Nations Iraq-Kuwait Observation Mission (UNIKOM). As shown in the table appended to this letter, the competent Iraqi authorities have determined that the violations committed were as follows:

1. Armed aerial activity by the United States of America and the United Kingdom, involving violations of our international boundaries, from bases in Kuwait, from Kuwait's airspace and territorial waters and via the demilitarized zone, comprised 714 sorties in the following governorates: Dhi Qar, Muthanna, Basrah, Maysan and Qadisiyah.

2. Our technical systems identified the aircraft violating Iraq's airspace on a daily basis as American F-14s, F-15s, F-16s and F-18s and British Tornadoes.

3. Support was provided by an AWACS aircraft operating inside Saudi airspace and an E-2C aircraft operating inside Kuwaiti airspace to all the United States and British aircraft that carried out hostile, armed sorties, violating Iraq's airspace via the demilitarized zone.

4. Between 4 and 31 May 2002, a total of four remotely piloted aircraft violated Iraq's airspace from United States and British bases in Kuwait, from Kuwait's airspace and territorial waters and via the demilitarized zone.

All the violations in question were committed via the demilitarized zone in which UNIKOM is stationed. One of the primary responsibilities of UNIKOM is to monitor such hostile military operations, report them and endeavour to halt them immediately.

UNIKOM has observed many such violations and mentioned them in its previous semi-annual report, though the number mentioned is far lower than the actual number observed by the Iraqi authorities and communicated periodically to the Secretary-General.

One of the primary tasks of UNIKOM is to record such violations accurately, determining the aircraft type and nationality. For that reason we request the Secretariat to provide UNIKOM with adequate equipment to monitor all violations and report to the Security Council in order that it may take the necessary steps to stop those violations immediately. Moreover, even if UNIKOM did not have equipment with which to ascertain the type and nationality of such aircraft, the fact that they come from Kuwait confirms that they are American and British. Your semi-annual report to the Security Council covering the period from 28 March to 24 September 2001 (S/2001/913) mentions this. Indeed, paragraph 6 of that report states that the inability of UNIKOM to identify the States responsible for conducting those sorties should not be taken to mean that it condones them. You also refer in that report to the acknowledgement by the United States and the United Kingdom that they continue to impose a no-flight zone in southern Iraq.

I therefore request you once more to instruct UNIKOM to perform its duties in full, to report these violations to the Security Council through you immediately upon their occurrence and to determine the number and type of the American and British warplanes that violate the demilitarized zone and the Security Council resolutions whereby that zone was created, engaging in hostilities against Iraq, given that such acts constitute State terrorism and flagrant aggression against Iraq and against its people, its sovereignty and its territory, as well as against United Nations peacekeeping operations. I further request you to remind the Security Council of its responsibility to halt the aggression and hold the aggressors fully accountable for it under international law.

(*Signed*) Naji **Sabri**
Minister for Foreign Affairs

Enclosure

Hostile aerial activity violating Iraq's international boundaries from Kuwait and via the demilitarized zone, 4-31 May 2002

Date	*From*	*Time*	*Type*	*Armed sorties*	*Altitude (metres)*	*Speed (km/h)*	*Areas overflown*
4-31 May 2002	Kuwait	0005-2310	F-14, F-15, F-16, F-18, drone	714 (including 4 drones)	8,000-10,000	240-780	Basrah, Busayyah, Salman, Artawi, Lasaf, Qurnah, Ashbajah, Jalibah, Nasiriyah, Shatrah, Nukhayb, Qal'at Salih, Umm Qasr

United Nations S/2002/662

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Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in that country

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1233 (1999) of 6 April 1999, by which the Council requested me to keep it regularly informed and to submit a report every 90 days on developments in Guinea-Bissau and on the activities of the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS).

2. In my last report, dated 26 March 2002 (S/2002/312), I noted clear progress in the consolidation of the democratization process in Guinea-Bissau. At the same time, I expressed concern about some developments affecting the judiciary, the mass media, and the Human Rights League, and called on the Government of Prime Minister Alhamara N'Tchia Nhasse to ensure that its undertakings to promote human rights and the independence of the judicial sector were honoured in practice. I invited the Government of Guinea-Bissau and the donor community to move forward with the speedy implementation of plans for the demobilization of former combatants and the restructuring of the armed forces, as preconditions for the establishment of durable peace in the country. Finally, I asked that the international community respond to Guinea-Bissau's urgent needs for budgetary support and development and technical assistance.

3. The present report covers developments since my last report and highlights the continuing facilitation role of UNOGBIS and the work of other entities of the United Nations system in support of the Government's post-conflict peace-building efforts.

II. Political developments

4. During the period under review, the overall situation in the country has remained calm, although political tensions have been running high. The agreement reached in late March between the Government and the opposition, aimed at further normalizing the situation in the country, facilitated the acceptance by the National Assembly of the Government's programme of work and demonstrated openness to dialogue and compromise on the part of the Prime Minister, as well as a sense of responsibility on the part of the coalition of opposition parties.

5. Since then, the dialogue between the legislature and the Government has continued, concentrating on the Government's draft budget. Following opposition criticism that the Government had failed to reflect some of the undertakings it had outlined in the programme of work, especially the financing of the new minimum wage of 28,500 CFA francs (approximately $40), the Government withdrew the budget and resubmitted it, indicating that, because of the precarious state of the economy, it would not be in a position to implement the new minimum wage.

6. Against this more conciliatory background, a major challenge for the Government remains the pressing social and economic problems. Given the lack of adequate financial resources, the Government has had difficulty in managing the budget, which led to criticism by the Bretton Woods institutions.

7. A Government decree issued on 27 April stated that the Ministers of Finance and Economy, Public Administration, Justice and Fisheries were being

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replaced. Some observers regarded the appointment of the new Finance and Economy Minister, Rui Duarte Barros, as significant, given the concern expressed by the Bretton Woods institutions regarding the management of the budget. On 27 May, the Minister of the Interior was also replaced.

8. Another difficult challenge remains the continued inability of the Government to pay civil servants their accumulated salary arrears and regular wages in full and on time. This has continued to generate social tension, which resulted in a deterioration of relations between the Government and a major trade union confederation, the National Trade Union Confederation (UNTG), which on 29 April called a five-day strike of public sector workers.

9. The Government's payment of some arrears, made possible through an early transfer of funds by the European Commission for fishing licences, eased social tensions somewhat. However, soon after, a new controversy arose when the Attorney-General's office asked the Secretary-General of UNTG to produce proof that its executive body had been legally constituted. This move was seen as interference by the Government in the internal affairs of an independent labour organization.

10. The non-promulgation of the revised Constitution continues to contribute to political tensions. On 23 May, President Yalá sent to the President of the National Assembly his comments on the Constitution. He appears to want the right to appoint the chiefs of staff of the armed forces and the Inspector General of the Army on the advice, instead of on the recommendation, of the Government; the right to chair, at his discretion, the Council of Ministers; and the power to appoint ambassadors on the advice, not the recommendation, of the Government. The National Assembly's technical commission is currently considering the President's proposals.

11. In order to promote peaceful debate on these and other issues among various institutions and key actors, UNOGBIS organized in Bissau from 15 to 17 April, a national dialogue on human rights and democracy, which brought together over 80 representatives of national institutions, including the armed forces, political parties and civil society. The Dialogue culminated in the adoption by participants of a "Bissau declaration", which contains recommendations on political, human rights and democracy issues, including the need to ensure the separation of powers and the independence of the judiciary. It also calls for the formation of a committee to follow up on the implementation of these recommendations and to plan further activities.

12. In another UNOGBIS initiative, aimed at promoting peace and the democratization process, 68 participants, including parliamentarians, attended a seminar on mechanisms of conflict prevention and resolution, held in Bissau on 21 and 22 May 2002. The seminar focused its discussions on national reconciliation and dialogue as the main means to manage differences. Among other conclusions, the seminar recommended that the National Assembly create a commission of truth and reconciliation and create conditions under which State institutions could function in accordance with democratic principles and values.

III. Military and security aspects

13. In the subregional context, Government officials continued the policy of peaceful cooperation with the country's neighbours. In recent months, relations with Senegal have been further strengthened, especially following a visit to Bissau on 28 May by the Minister of the Interior of Senegal to discuss issues of mutual interest. Among those issues were recent incidents involving the navy of Guinea-Bissau and Senegalese fishing boats that did not have licences to fish in the Bissau Guinean exclusive economic zone. During these incidents two Bissau Guinean naval personnel were killed and a number of Senegalese seamen were detained by the Bissau Guinean authorities. The second was the detention, by the Bissau Guinean authorities, in late March, of Alexandre Djiba, spokesman of the Casamance separatist movement, the Movement of Democratic Forces of Casamance (MFDC), for having allegedly entered Guinea-Bissau illegally. On 29 May, Mr. Djiba was released, went to Senegal and is now in Banjul, where he had previously resided. UNOGBIS understands that the position of the Senegalese seamen is still under discussion between the two Governments.

14. The security situation along the border with Senegal has remained stable. However, concern remains that periodic upsurges of violence and illegal activities in the Casamance region might impact on the security situation in the Bissau Guinean areas bordering that region.

15. Another neighbouring country, the Gambia, has recently reaffirmed that it strongly supports the efforts of the Government of Guinea-Bissau to entrench democracy and peace in the country, as the peace of the subregion would be immediately and adversely affected if peace were not sustained in Guinea-Bissau. To that end, the Gambian Foreign Minister, during the visit of my Representative to Banjul from 16 to 21 May, emphasized that his Government, notably through its membership of the Headquarters Group of Friends of Guinea-Bissau, would seek to mobilize international support for Guinea-Bissau. A meeting of the Presidents of the Gambia, Guinea-Bissau and Senegal to discuss issues of mutual concern is envisaged soon, and its venue is being discussed.

16. The implementation of the demobilization, reinsertion and reintegration programme has been further delayed. The programme is supported by a multi-donor trust fund administered by the World Bank. Some of the donors are insisting that the Government of Guinea-Bissau should reinstate, in full, funds diverted from the programme (to other Government expenditure) so that the programme can commence operations. Discussions on this issue are ongoing. The programme for this year involves 3,821 individuals, including 2,738 serving members of the armed forces. Included in the latter are 11 generals and 125 senior officers. The programme will be completed in 2004 with the reinsertion phase. In all, about 15,000 ex-combatants should by that time have been handled by the programme.

17. As the Government is pursuing the restructuring of the armed forces, the military leadership focuses on sensitizing members of the armed forces to the need for restructuring and on defining future requirements. However, despite the clear political will being shown, the actual restructuring of the armed forces can take place only if international assistance, in the form of substantial programmes of support, is forthcoming.

18. With regard to the demining programme, the non-governmental organization Humanitarian Aid continues its activities. By 30 April, a total of 3,526 mines and other devices had been deactivated, which has contributed to an improvement of the security situation. However, the recent discovery by Humanitarian Aid of an ammunition dump, apparently dating from the war of colonial liberation, and including unstable 155-millimetre shells, at Ilonde, 15 kilometres north-west of Bissau, demonstrated the need for ongoing awareness-raising activities by the authorities to alert the population to the serious risks run by farmers and the population as a whole in such districts.

19. In the area of internal security, the continued institutional weakness of Guinea-Bissau's police force, including insufficient logistical support, the lack of standard operating procedures and the almost total lack of training following the closure of the two training centres, has severely hampered the ability of the police to meet the challenges it faces. These challenges include banditry, drug trafficking and money-laundering and need to be addressed as part of the overall peace-consolidation strategy. International assistance in this field is also urgently needed.

IV. Human rights

20. UNOGBIS has continued to promote respect for human rights and the rule of law, maintaining regular contacts with Government institutions, political parties and civil society groups. I was gratified to note, in this connection, that the Minister for Foreign Affairs, Filomena Mascarenhas Tipote, restated her Government's commitment to cooperation with the United Nations in the human rights area.

21. It is therefore with some regret that I have to report that UNOGBIS has received a number of complaints from family members of the 38 individuals still detained in connection with the alleged attempted coup d'état of 3 December 2001, mostly about detention conditions. My Representative, who visited places of detention and made known his concern at the long delay in bringing formal charges against these individuals, was informed that the judiciary had been unable to proceed speedily with the cases because it lacked the means to do so. To date, there has been no indication that the Government is prepared to make the necessary means available.

22. At the same time, in an important move, the Regional Tribunal of Bissau, on 23 May, began trials of key members of the former military junta who had been detained in connection with the coup attempt of 22 and 23 November 2000 and, later, provisionally released. UNOGBIS will observe the trial process.

23. Before the beginning of the trials, following persistent allegations that summary executions had taken place during the incidents of November 2000, Amnesty International wrote to President Yalá on 18

April 2002 requesting that a full inquiry be set up to examine those allegations, and in particular the circumstances surrounding the death of General Ansumane Mane. After the content of the letter was broadcast in the local media in mid-May, it became clear that Amnesty International's request for an impartial judicial inquiry had some support in the country and that there is, indeed, a need to shed light on those events.

24. With regard to the rights of children, UNOGBIS and the United Nations Children's Fund, supported by the Government of the Netherlands, assisted members of the Government in the preparation and submission of Guinea-Bissau's report to the Committee on the Rights of the Child, which was considered by the Committee at a meeting in Geneva in late May.

V. Economic and social aspects

25. The overall critical economic and social situation has changed little since my last report, but missions dispatched to Bissau in recent months by both multilateral and bilateral donors have shown that there is increased interest in Guinea-Bissau on the part of the international community. Specifically, the African Development Bank proposed a programme of support for primary education, the Netherlands has been looking into capacity-building needs, and Sweden, the European Commission, the World Bank, the World Health Organization and others have sent missions with a view to reviewing their programmes of assistance. My Representative conferred with donor missions in Bissau and, during a mission from 29 May to 4 June, with donor missions resident in Dakar. He reported that, notwithstanding some concerns about the political situation, donors were prepared to support Guinea-Bissau.

26. The Government also used an opportunity afforded during the third meeting of the Ministers of Agriculture of the Community of Portuguese-Speaking Countries, held in Bissau on 16 and 17 May with the support of the United Nations Development Programme and the Food and Agriculture Organization of the United Nations, to seek understanding and support for its reconstruction efforts.

27. During the period under review, the management of public finances has remained a major preoccupation of the international community. There is consensus that no progress can be made in the economic sphere until the imbalance in supply and demand has been corrected and effective procedures and mechanisms are in place to ensure the country's financial viability. Following a review mission by the International Monetary Fund (IMF) in March, the Government proposed a series of measures designed to restore credibility in the management of public finances.

28. However, recent signs have appeared that the deficit was increasing rather than diminishing. The IMF and the World Bank have consequently expressed serious reservations about some proposals made by the Government. They noted, for example, that the decisions to reduce the tax on cashew exports from 10 per cent to 6 per cent and to increase public sector wages with effect from September 2002 would seriously affect performance indicators. Concern has also been expressed that expenditure was being made on an arbitrary basis rather than according to established procedures, and that the public payroll did not reflect the true situation as to the number of persons actually employed. Responding to these concerns, the new Finance Minister has moved swiftly to ensure that the Treasury Committee is working more effectively to oversee all public expenditure. A high-level technical team visited Washington in late May for talks with the international financial institutions.

29. To help the Government meet its post-conflict challenges, the United Nations country team has continued joint activities, such as an inter-agency field mission to the Bijagos Islands, close inter-agency cooperation in the region of Gabu, the development of a multisectoral response to HIV/AIDS, including the holding of a one-day special session of the National Assembly on the subject, and support for Guinea-Bissau's official participation in international meetings and initiatives, including meetings in Dakar on the New Partnership for Africa's Development. The country team has recently completed work on the United Nations Development Assistance Framework for Guinea-Bissau, which places the work of the programmes and agencies of the system within the overall context of peace-building.

30. The World Food Programme (WFP) resumed operations in Guinea-Bissau on 25 May, when 2,000 metric tons of rice, donated by the United States Agency for International Development, arrived at Bissau port. The rice will be distributed to the population with three objectives in mind: to improve

school attendance, to assist malnourished women and children and to address the need for agricultural reactivation through food-for-work programmes. As of April, WFP had distributed 3,762 tons of commodities to 103,190 beneficiaries.

VI. Observations

31. Guinea-Bissau continues to face major political, economic and financial challenges, but the country remains peaceful. I am encouraged by the fact that, despite serious economic difficulties, political leaders have pursued the path of agreement through debate. I trust that these trends will continue and that the parties will honour agreements reached.

32. The consolidation of peace requires that the rule of law be strengthened so as to ensure that there is a genuine separation of powers, and that the State be made more responsive and effective in meeting the needs of the people. The reassertion of the independence of the judiciary should be seen as an essential step in that direction. The modernization of the armed forces, including the demobilization and reintegration of former armed forces and liberation movement personnel and a reduction in the level of small arms, remains a high priority. I urge the Government to implement measures it has agreed to undertake and to ensure that progress is made in these vital fields. I call on the donor community to support the Government's development and rehabilitation efforts, especially in these priority fields.

33. The Constitution should be the cornerstone of peaceful order in Guinea-Bissau, but, regrettably, confusion persists about the current impasse over constitutional issues. It is not even clear where responsibility for taking the constitutional process forward lies. I therefore urge the executive and legislative branches of Government to come together in the national interest and to reach a compromise soon.

34. I encourage President Yalá to pursue his efforts to empower his ministerial team so as to give its members a measure of stability, thereby enabling them to achieve their objectives.

35. It is clear that peace-building is difficult, perhaps impossible, unless it is based on a firm economic foundation. The efforts of the Government of President Yalá to build peace and democracy in Guinea-Bissau are also being handicapped by the limited resources available to the Government. Clearly, concern about financial management is an issue of deep concern to the international community, and the Government should address it as a matter of priority. I urge the Government to sustain the encouraging dialogue it has begun with the Bretton Woods institutions. Then, once satisfactory action has been taken and the donor community has received the assurances it seeks, I hope that the pledges made at the last round-table meeting on international assistance to Guinea-Bissau will be implemented, and that a second international round table can be prepared and held soon.

36. Accordingly, I renew my appeal to the international community to provide budgetary assistance for Guinea-Bissau and to support a programme of renewal and rehabilitation of economic, social and cultural infrastructure, as well as a sustained programme of technical assistance to strengthen the key institutions of the State.

37. In concluding, I wish to pay tribute to the staff of UNOGBIS, who, together with the whole United Nations country team, continue, with courage and dedication, to make a commendable contribution to the peace-building efforts of the Government and the people of Guinea-Bissau.

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Letter dated 12 June 2002 from the Permanent Representative of Norway to the United Nations addressed to the President of the Security Council

Please find enclosed the assessment of the work of the Security Council during the Norwegian presidency in March 2002 (see annex).

I would be grateful if you could arrange to have this letter and the attached assessment circulated as a document of the Security Council.

(*Signed*) Ole Peter **Kolby**
Ambassador
Permanent Representative

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Annex to the letter dated 12 June 2002 from the Permanent Representative of Norway to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Norway (March 2002)

During Norway's presidency of the Security Council in March, the Council held 9 public meetings, 6 private meetings and 3 meetings with troop-contributing countries, and its members met on 17 occasions for informal consultations and 4 times under the "Arria formula". The Council adopted seven resolutions and three presidential statements, and the President was authorized on nine occasions to make statements to the press on behalf of Council members.

Norway's Foreign Minister, Jan Petersen, presided over meetings on the issues of Bosnia and Herzegovina, Ethiopia and Eritrea, and Afghanistan.

Africa

Angola

In consultations on 20 March the Council was briefed by Under-Secretary-General for Political Affairs, Ibrahim Gambari, Special Adviser for Special Assignments in Africa, on the latest developments in Angola, including the death of UNITA leader Jonas Savimbi on 22 February and the Government's subsequent launch of a 15-point peace plan. Under-Secretary-General Gambari also informed the Council that he had been requested by the Secretary-General to travel to the country to seek clarification from the Government and other stakeholders on the continued role of the United Nations in the peace process, an initiative that was welcomed by Council members. On 28 March the Council adopted S/PRST/2002/7, in which it declared support for the peace plan implemented under the Lusaka Protocol. The Council stated that it stood ready to consider appropriate exemptions from and amendments to the measures imposed by paragraph 4 (a) of resolution 1127 (1997), in consultation with the Government of Angola and with a view to facilitating the peace negotiations. The Council also acknowledged the need to renew and possibly redefine the mandate of the United Nations Office in Angola.

Burundi

In informal consultations on 20 March, Under-Secretary-General for Political Affairs, Kieran Prendergast, briefed the Council on developments in Burundi. In a statement to the press the Council called for an immediate stop to the fighting and urged the donor community to provide and increase economic and humanitarian assistance. It also commended the efforts of the South African protection unit and welcomed the positive contributions of the Democratic Republic of the Congo and Tanzania to the peace process.

The Democratic Republic of the Congo

In response to reports of resumed fighting in the area around and in the village of Moliro on the west bank of Lake Tanganyika in eastern Congo, the Council

discussed the situation on 4, 14, 19 and 27 March. The Council was briefed on the tense situation in the area by Assistant Secretary-General Hédi Annabi of the Department of Peacekeeping Operations on 4 and 27 March, and by Under-Secretary-General for Peacekeeping Operations Jean-Marie Guéhenno on 14 and 19 March. In press statements issued after the first two consultations, the Council members demanded that all fighting cease. In resolution 1399 (2002) adopted on 19 March, the Council condemned the violation of the ceasefire and demanded that RCD-Goma withdraw from Moliro and Pweto and that all other parties withdraw from the locations they were occupying in contravention of disengagement plans. The Council also called on the Government of the Democratic Republic of the Congo to resume its participation in the Inter-Congolese Dialogue. Following subsequent confirmation by the United Nations Organization Mission in the Democratic Republic of the Congo that rebel troops had pulled out, the Council members expressed their satisfaction, in a press statement on 27 March, that the parties had begun implementing resolution 1399 (2002) and affirmed that they were encouraged by the partnership between the Council and the Political Committee of the Lusaka Agreement.

The Council also reached agreement on sending a Security Council mission to the Great Lakes region from 27 April to 7 May in order to give new impetus to the peace process.

Ethiopia-Eritrea

The Council met in public on 6 March to hear the head of the Security Council mission to Ethiopia and Eritrea (21-25 February 2002), Ambassador Kolby of Norway, introduce the mission's report, and exchanged views with Ethiopian and Eritrean representatives and other Member States on the implementation of the Algiers Agreements. On 15 March, the Council adopted resolution 1398 (2002), which extended the mandate of the United Nations Mission in Ethiopia and Eritrea (UNMEE) until 15 September 2002. The resolution commended the parties on the progress made thus far in the implementation of the Algiers Agreements and emphasized the importance of ensuring an expeditious and orderly implementation of the decision by the Boundary Commission in close cooperation with UNMEE. The resolution further emphasized the Council's resolve to support the parties in the implementation of the decision by the Boundary Commission and invited the Secretary-General to submit, as soon as possible, recommendations to the Council on how UNMEE can play an appropriate role in the border demarcation process.

Liberia

On 19 March the Council was briefed by the Chairman of the Liberia Sanctions Committee, Ambassador Kishore Mahbubani of Singapore, on the Committee's deliberations on the report of the Panel of Experts.

Sierra Leone

The Council was briefed on the situation in Sierra Leone on 4 March by Assistant Secretary-General Annabi, and on 21 March, on the basis of the Secretary-General's thirteenth report on the United Nations Mission in Sierra Leone (UNAMSIL), by Special Representative of the Secretary-General and head of UNAMSIL, Oluyemi Adeniji. They both focused on the successful completion of

the disarmament of the rebel groups and on the preparations for the 14 May elections. On 28 March the Council extended UNAMSIL's mandate by six months by unanimously adopting resolution 1400 (2002).

On 19 March the United Nations Legal Counsel, Under-Secretary-General Hans Corell, introduced the report of the Planning Mission on the Establishment of the Special Court for Sierra Leone. Resolution 1400 (2002) also dealt with the cooperation between UNAMSIL and the Special Court.

Somalia

On 7 March, Council members discussed the situation in Somalia. On 11 March, the Council held a meeting with Yusuf Hassan Ibrahim, Minister of Foreign Affairs of the Transitional National Government of Somalia, followed by a meeting open to all Member States regarding the peace process in Somalia. On 25 March, Council members discussed certain elements under consideration for a PRST on the situation in Somalia. On 28 March, the Council adopted S/PRST/2002/8, a wide-ranging statement that expressed strong support for the efforts of the Intergovernmental Authority on Development and the frontline States to convene a National Reconciliation Conference in Nairobi to complete the peace process in Somalia, and set out a number of steps to be taken by the United Nations in support of the peace efforts in Somalia. The statement expressed the Council's determination to put in place concrete arrangements and/or mechanisms by 30 April 2002 for the generation of independent information on violations of the arms embargo established by resolution 733 (1992) and for improving its enforcement. Furthermore, it requested the Secretary-General to coordinate ongoing peace-building activities in Somalia and provide for their incremental expansion in accordance with the security arrangements, including through preparatory activities on the ground for a comprehensive peace-building mission.

Western Sahara

On the basis of resolution 1394 (2002), the Council met at the expert level separately with the Permanent Representatives of Algeria, Mauritania and Morocco and the representative of the POLISARIO Front, as part of the Council's consideration of the options described in the Secretary-General's report of 19 February 2002 (S/2002/178) on the situation concerning Western Sahara.

Asia

Afghanistan

The Council met in public on 13 March to hear a briefing by Under-Secretary-General Prendergast on the political, military and humanitarian situation in Afghanistan. He underlined the need for support for the Afghan Interim Authority and the Emergency Loya Jirga process. Council members held informal consultations following the open briefing.

On 26 March, the Foreign Minister of Norway, Jan Petersen, presided over a public debate on the situation in Afghanistan and the Secretary-General's report, including the proposal to establish a United Nations Assistance Mission in Afghanistan (UNAMA). Council members and several non-Council members

participated in the debate, which showed that there is broad support for the establishment of UNAMA and the work of Special Representative of the Secretary-General Lakhdar Brahimi.

Following informal consultations on 27 March, the President made a statement to the press in which Council members expressed their intention to extend the mandate of the International Security Assistance Force after its expiry on 20 June 2002. On 28 March the Council unanimously adopted resolution 1401 (2002), in which it endorsed the establishment of UNAMA and the full authority of the Special Representative of the Secretary-General over all United Nations activities in Afghanistan, and urged donors to coordinate their activities closely with the Special Representative, in particular through the Afghanistan Support Group and the Implementation Group.

Europe

Bosnia and Herzegovina

The Council held a public meeting on 5 March on the situation in Bosnia and Herzegovina, which was presided over by the Foreign Minister of Norway, Jan Petersen, and in which the Secretary-General participated. The Council heard briefings by High Representative Wolfgang Petritsch and Special Representative of the Secretary-General Jacques Klein. In the debate, Council members expressed appreciation for the contributions of Mr. Petritsch and Mr. Klein to the implementation of the Peace Agreement. The Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy, Mr. Javier Solana, and several non-Council member States also made statements in the debate. At the end of this public meeting, the Council unanimously adopted resolution 1396 (2002), which, inter alia, welcomed the designation of Lord Ashdown as High Representative to succeed Mr. Petritsch, as well as the acceptance by the Steering Board of the Peace Implementation Council of the offer made by the European Union to provide a European Union Police Mission from 1 January 2003 to follow the end of the mandate of the United Nations Mission in Bosnia and Herzegovina.

Kosovo (United Nations Interim Administration Mission in Kosovo)

At a public meeting on 27 March, the Council was given a briefing by Assistant Secretary-General Annabi on the situation in Kosovo, Federal Republic of Yugoslavia. It was emphasized that the formation of a Government in Kosovo was a significant development. Non-Council member States participated in the debate. The Federal Republic of Yugoslavia was represented by Mr. Nebojša Čović, Deputy Prime Minister of the Republic of Serbia and President of the Federal Republic of Yugoslavia Coordination Centre for Kosovo.

The Middle East

The Middle East

The Council received its monthly briefing on developments in the Middle East on 12 March. The Secretary-General gave the briefing at a public meeting, which

was followed by consultations, after which the Council adopted resolution 1397 (2002). In the resolution the Council affirmed a vision of two States, Israel and Palestine, living side by side within secure and recognized borders; demanded the immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction; called on the parties to cooperation on the implementation of the Tenet work plan and Mitchell report recommendations, with the aim of resuming negotiations on a political settlement; and expressed support for the efforts of the Secretary-General and others to assist the parties to halt the violence and to resume the peace process. The resolution was adopted by 14 votes in favour, with one abstention.

The Council convened a public meeting on 29 March to discuss the further escalation of violence in the Middle East. The Council also met for informal consultations to consider possible action. Subsequently, resolution 1402 (2002) was adopted on 30 March, in which the Security Council called for an immediate ceasefire, the withdrawal of Israeli troops from Palestinian cities and the implementation of the Tenet work plan and Mitchell report recommendations. Furthermore, it reiterated the demand it had made in resolution 1397 (2002) for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction, and expressed support for the efforts of the Secretary-General and the special envoys to the Middle East to assist the parties to halt the violence and to resume the peace process. The resolution was adopted by 14 votes in favour. One member did not participate in the voting.

Iraq

The Council held consultations on 8 March on the latest quarterly report of the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). The Council was informed that UNMOVIC's internal preparatory work would continue in accordance with its mandate. The members of the Council reiterated their support for the Executive Chairman and his activities to implement resolution 1284 (1999) and called on Iraq to cooperate with UNMOVIC. The Council was also briefed on the meetings between the Secretary-General and Iraqi Foreign Minister Naji Sabri, which had been held the previous day. The Secretary-General reported that the discussions had been "useful and frank" and predicted that a new round of talks would be held shortly.

Protection of civilians in armed conflict

The Council held an open meeting on the protection of civilians in armed conflict on 15 March. Under-Secretary-General for Humanitarian Affairs Kenzo Oshima briefed the Council on the situation of civilians in several ongoing armed conflicts. He also provided an update on work being undertaken to follow up and implement the recommendations contained in the Secretary-General's two reports on the subject, as addressed in previous resolutions and meetings of the Security Council. The Council adopted S/PRST/2002/6, to which was annexed an Aide Memoire for the consideration of issues pertaining to the protection of civilians during the Council's deliberations on peacekeeping mandates. The Aide Memoire was a result of an interactive consultation between the Council and the Secretariat, and comprised the experiences of a wide range of agencies within the United Nations. It listed issues related to the protection of civilians that are relevant, in

particular, for the Council's deliberations on the establishment, change or termination of peacekeeping operations. It set out primary objectives for Security Council action, offered specific issues for consideration in meeting these objectives and listed previous Security Council resolutions and presidential statements that refer to such concerns. The Council decided to review and update the Aide Memoire as appropriate, and to remain actively seized of the matter.

International Women's Day

On behalf of the Council, the President issued a press statement on 8 March, International Women's Day, which emphasized the need to include women in peace negotiations, post-conflict reconstruction and United Nations peacekeeping operations. Members of the Council called for the early and full implementation of resolution 1325 (2000) and the strengthening of the Best Practices Unit of the Department of Peacekeeping Operations to achieve these aims, and also advocated that United Nations peacekeeping missions should include gender-equality experts. The press statement also mentioned the difficult situation of women in Afghanistan.

Meetings of the Security Council with troop-contributing countries

There were three such meetings during March, concerning MONUC, UNAMSIL and UNMEE.

Procedural issues

Following deliberations by the working group on documentation and procedure, a note by the President of the Security Council was issued on 26 March 2002. The note stipulates concrete steps for improving the clarity and transparency of the work of the Council, including circulation by the Secretariat of printed fact sheets, whenever possible, prior to consultations.

"Arria formula" meetings

An "Arria formula" meeting of Council members was convened by Singapore on 5 March to address the difficulty of getting humanitarian assistance to the people of Angola. Apart from Council members, participants included representatives of Human Rights Watch, Médecins Sans Frontières, Save the Children and Oxfam.

On 8 March an "Arria formula" meeting was convened by the United Kingdom to hear a report from a visit to Sierra Leone by the Special Rapporteur on violence against women.

An "Arria formula" meeting to address issues relating to abuses of women and children in Mano River countries (Sierra Leone, Liberia and Guinea) was held on 19 March, convened by Singapore. Apart from Council members, participants included two independent experts from United Nations Development Fund for Women, Elisabeth Rehn of Finland and Ellen Johnson Sirleaf of Liberia.

On 22 March Ireland convened an "Arria formula" meeting to hear a presentation by the Office of the United Nations High Commissioner for Refugees and the International Centre for Transitional Justice on the establishment of a truth and reconciliation commission in Sierra Leone.

United Nations S/2002/664

Security Council

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Eighth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq. It provides a brief account of the relevant developments since my last report, dated 13 December 2001 (S/2001/1196).

II. Background

2. It will be recalled that on 26 and 27 February 2001, the then Under-Secretary for Foreign Affairs of Iraq, Riyadh M. Sami Al-Qaysi, stated that the Kuwaiti national archives had not been found but, if found, they would be returned (see S/2001/582, para. 4). Addressing the open meeting of the Security Council on 26 and 28 June 2001, Mr. Al-Qaysi stated that Iraq had returned all the Kuwaiti properties that it could find and had pledged to return any other material that might be found in the future (see S/PV.4336 (Resumption 1) and S/2001/1196, para. 29).

3. It will also be recalled that, while presenting my sixth report to the members of the Security Council on 20 December 2001, the high-level Coordinator, Ambassador Yuli Vorontsov, noted that the problem of the return of Kuwaiti property had remained unchanged. The members of the Council expressed their deep concern with the continuing refusal of the Government of Iraq to cooperate in returning stolen Kuwaiti properties, specifically the Kuwaiti national archives. The President of the Council, in his statement to the press, called upon Iraq to put an end to the issue without further delay.

4. In the text of the final communiqué adopted during the Twenty-second Summit of the Supreme Council of the Gulf Cooperation Council held in Muscat on 30 and 31 December 2001, it was stated that "the Council again urged Iraq to discharge ... its obligations ... with a view to devising an expeditious and definitive solution to the problem of Kuwaiti and third-country prisoners and hostages and bringing about the return of all of the Kuwaiti property in its possession" (see A/56/797-S/2002/125, annex).

5. In my second report pursuant to paragraph 14 of resolution 1284 (1999) (S/2000/575), it was noted that, in a letter dated 19 March 1991 (S/22361), the President of the Security Council informed the Secretary-General that the members of the Security Council were of the view that the modalities for the return of property from Iraq should be arranged through the Office of the Secretary-General, in consultation with the parties, and that the procedure also had the agreement of Iraq and Kuwait. To that end, the Secretary-General appointed a Coordinator, whose role was to receive, register and submit to Iraq claims presented by Kuwait and to facilitate the return of property which Iraq had declared that it had in its possession and was subsequently ready to return (para. 3). The Coordinator at that time was assisted by a small group of United Nations staff members, including one who acted as his representative in the field and facilitated the handover operations in Iraq and Kuwait (para. 4). The field office of the Coordinator was closed in February 1997 (para. 8). Although Iraq subsequently expressed its readiness to return some small items allegedly belonging to Kuwait, handover

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operations could not be arranged owing to the absence of the representative of the Coordinator in the field (para. 9). However, Ambassador Vorontsov was ready to travel to Baghdad in order to facilitate the return to Kuwait of these items (para. 18).

6. In the meantime, the international community has continued to call on Iraq to fulfil its obligations to return all Kuwaiti property, including archives. For example, the European Parliament, in its report on the situation in Iraq after the Gulf War dated 26 April 2002, called upon Iraq to "honour all obligations she entered into and to accede to all requests made to her at the Arab League Summit in Beirut regarding missing persons, confiscated property and compensations/war reparations" (para. 19). In a report published on 30 May 2002 by *Akhbar al-Khaleej*, a daily newspaper in Bahrain, Secretary-General Abdurrahman al-Atiyyah of the GCC stated that Iraq must honour its obligations with regard to returning stolen Kuwaiti property.

III. Recent activities

7. On 7 March 2002, during talks in New York, I was informed by the Minister for Foreign Affairs of Iraq, Mr. Naji Sabri, that Iraq had returned all Kuwaiti property found by the Iraqi authorities and had committed itself to returning whatever they would find in the future. Mr. Sabri also said that Iraq was prepared to deliver to Kuwait, through the good offices of the United Nations, some Kuwaiti properties found in Iraq that were currently stored in the Ministry of Foreign Affairs.

8. Since 1997, I have received letters from Iraq informing me that certain items allegedly belonging to Kuwait had been found in Iraq and that the Iraqi authorities would be ready to hand them over to Kuwait through the United Nations. In my second, fourth and sixth reports pursuant to paragraph 14 of resolution 1284 (1999) (S/2000/575, S/2001/582 and S/2001/1196), I referred to those letters accordingly. At the same time, Iraq asserted that the United Nations Secretariat had failed to respond to those requests, and had not designated a time or place for the items to be handed over. During the meeting with Mr. Sabri on 7 March, I stated that the Coordinator would be ready to travel to Baghdad at the earliest opportunity to facilitate the return to Kuwait of the items identified in the letters referred to above. I also suggested that a member of the international staff of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) could be assigned, if necessary, to assist in the return of the property. Concluding the exchange of views on the issue, it was agreed that some concrete steps would be taken regarding the release of the Kuwaiti items currently in the possession of Iraq. On 8 March, I briefed the Security Council accordingly.

9. According to *Al Rai Al-Aam*, a daily newspaper in Kuwait, Kuwaiti diplomatic sources reacted to the announcement of the Iraqi intention to return some Kuwaiti properties by stating that it "was a manoeuvre practiced by Baghdad before". They reportedly indicated that UNIKOM should not become a channel for the return of property and maintained that Iraq's intent to substitute "the Coordinator with the peacekeeping force was in contradiction to the resolutions of the Security Council", as the property issue was not within the mandate of UNIKOM.

10. On 11 March 2002, I received the Chairman of the Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs, Sheikh Salem Sabah Al-Salem Al-Sabah, whom I informed that Iraq was ready to hand over certain items of Kuwaiti property through the United Nations. As the items were not related to the national archives, I assured my interlocutor that priority continued to be given to the return of the archives. Later, the Permanent Representative of Kuwait, Mohammad A. Abulhasan, confirmed to the Coordinator that Kuwait was not interested in receiving non-priority items of property while the issue of the return of the national archives remained unresolved.

11. On 28 March 2002, the Council of the League of Arab States, at its Fourteenth Summit, held in Beirut, adopted a declaration which, inter alia, called on Iraq to cooperate in seeking an expeditious and definitive action to the issue of returning Kuwaiti properties, in accordance with relevant international resolutions.

12. During his recent visits to Cairo, Geneva and Kuwait City from 7 to 14 March 2002 (see S/2002/419), the Coordinator deplored the lack of progress on the Kuwaiti property issue, in particular regarding the national archives and military equipment. The Minister for Foreign Affairs of Egypt, Ahmed Maher El Sayed, pointed out that Iraq had returned or had offered to return some items belonging to Kuwait. The Secretary-General of the League of Arab States, Amre Moussa, and Mr. Vorontsov continued their exchange of views on the modalities for resolving the

stalemate on the issue of the Kuwaiti property. The First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, commenting on the Iraqi willingness to return some property, stated that Kuwait was not interested in treasures, but wanted the return of its national archives. Mr. Vorontsov assured his interlocutors in Kuwait that the Secretary-General was making every effort to urge Iraq to return priority items. The Coordinator stressed that Iraq should start cooperating on the return of Kuwait's national archives, since those documents, along with museum items and military hardware, had been missing for more than 10 years and Baghdad was obligated to return them under the relevant Security Council resolutions.

13. On 8 March 2002, the Coordinator met with Rolf Knutsson, Executive Secretary of the United Nations Compensation Commission, who informed him that any information relevant for inclusion in future reports on the return of all Kuwaiti property would be transmitted to the Coordinator. Mr. Knutsson and the Coordinator agreed to remain in close contact in that regard.

14. On 15 April, I received a letter from the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait (S/2002/427, annex) in which he noted that the creation of a climate of trust and confidence between Kuwait and Iraq must be translated into specific and tangible steps, including provisions for the return of all Kuwaiti property, and most especially the State archives. This would demonstrate that the Iraqi Government respects the history of the State of Kuwait, as it declared at the Beirut Summit it would undertake to do. The Iraqi Government can return such property through the Coordinator and the mechanism for which provision is made in the relevant Security Council resolutions.

15. On 18 April, the Coordinator met with the Permanent Representative of Kuwait, Mohammed Abulhasan, who stressed the need to expedite the return of the national archives, which represented "the memory of the State". According to Mr. Abulhasan, the return of the archives would be consistent with the pledge made by Iraq at the Arab Summit in Beirut to respect the sovereignty of Kuwait.

16. On 23 April, in Baghdad, Minister for Foreign Affairs Sabri informed the Force Commander of UNIKOM, Major General Miguel Moreno, that Iraq had decided to return to Kuwait some properties and documents that had been in Iraq's possession since 1991, and requested the assistance of UNIKOM in accomplishing that task. The Force Commander pointed out that while UNIKOM would always be available to facilitate any activity that would serve relations between Iraq and Kuwait, such activity was outside the UNIKOM mandate.

17. I conducted another round of discussions with the Minister for Foreign Affairs of Iraq from 1 to 3 May in New York. I brought to his attention the fact that the Security Council would continue to pursue the issue of the Kuwaiti properties, and stressed that the return of the items belonging to Kuwait, especially the national archives, would be a step in the right direction. I welcomed the recent offer by Iraq to return some items of Kuwaiti property through UNIKOM, but Kuwait pointed out that the return of property was not part of the UNIKOM mandate and properties should be returned in accordance with paragraph 14 of resolution 1284 (1999). I reminded the Minister that the return of the archives, "the institutional memory of the nation", remained a priority.

18. On 3 May, I briefed the Security Council on the discussions with the Iraqi delegation. On that occasion, I told members of the Security Council that the Secretary-General of the League of Arab States had informed me of an understanding he had reached with the Iraqi authorities in accordance with which Iraq had pledged to return nearly 90 per cent of the Kuwaiti national archives. Mr. Moussa had already notified the Minister for Foreign Affairs of Kuwait accordingly. I informed the Council the Secretary-General of the League had expressed a wish for United Nations assistance with the transfer of the archives to Kuwait and that he would forward an appropriate letter requesting such assistance.

19. The members of the Security Council welcomed the news that Iraq had expressed its willingness to return the Kuwaiti national archives. Some members regretted that Iraq had chosen to return the archives outside the channel established by the relevant Security Council resolutions. It was also noted that the mandate of the Coordinator was to promote and facilitate cooperation among the parties concerned and, as such, the transfer procedure did not require his taking actual custody. Others were of the opinion that the United Nations, together with the League of Arab States,

should quickly prepare for the transfer of the archives. It was also pointed out that the return of the archives in its entirety would become a prelude to the resolution of all outstanding humanitarian problems between Iraq and Kuwait and should be seen as a substantial gesture by Iraq.

20. On 3 May, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait conveyed to the Secretary-General of the League of Arab States his appreciation for the efforts aimed at the return of the national archives. He referred to the mechanism established under the relevant Security Council resolutions relating to the return of Kuwaiti property and reminded that the Government of Iraq had already returned some property using that mechanism. Therefore, the return of the Kuwaiti property should take place in accordance with "the resolutions of international legitimacy". The Minister for Foreign Affairs noted that the United Nations remained the sole entity that could determine "what has been handed over and what has yet to be handed over". He further stressed that "the hand-over of the documents should be conducted through the mechanism of the United Nations and in accordance with the relevant resolutions".

21. In an interview with the Kuwait News Agency on 4 May, Sheikh Sabah reiterated that, "the United Nations should be in charge of overseeing the possible hand-over by Iraq of the Kuwaiti national archives". He also said that Kuwait could accept a role by the League of Arab States if the United Nations were to request the League to set up a process for their return. It would be possible for Kuwait to agree with the League on the procedures "for the full return of Kuwaiti belongings, including official documents and the national archives, which were among the responsibilities of the United Nations Secretary-General". The Minister also noted that the transfer of archives to Kuwait would be a positive development and would help to improve relations in the region.

22. I received a letter from the Secretary-General of the League of Arab States dated 4 May in which he noted that the Minister for Foreign Affairs of Iraq had officially informed the League of the implementation of the Arab Summit resolution. The Iraqi Ministry of Foreign Affairs, in coordination with other Iraqi authorities, had collected various documents belonging to the Kuwaiti national archives. Iraq had asked for Mr. Moussa's help in returning those documents to Kuwait. In addition, the Government of Iraq had pledged to continue to search for all remaining documents pertaining to the State of Kuwait in order to close that file.

23. Mr. Moussa also informed me that he had contacted the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, who expressed the hope that the return of the archives would be implemented within the framework of the relevant Security Council resolutions, as well as the resolutions of the League of Arab States. Sheikh Sabah welcomed the commitment of the League to do what is necessary to return the documents to Kuwait in cooperation with the United Nations. I conveyed to Mr. Moussa the readiness of the United Nations to assist with the transfer of the national archives, in particular in accordance with the mechanism for handing over Kuwaiti property.

24. On 5 May, the Permanent Representative of Kuwait to the United Nations reiterated to *Al-Watan*, a daily newspaper in Kuwait, that the return of the Kuwaiti documents was within the competence of the Security Council. According to *Al-Watan*, the Spokesman for the Secretary-General of the League of Arab States, Hisham Youssef, reacted to Mr. Abulhasan's statements by commenting that Kuwait should consider its interests, which were to receive the archives through the League of Arab States or through any other channels.

25. On 6 May, I met with Mr. Abulhasan, who briefed me on the letter the Minister for Foreign Affairs of Kuwait had sent to Mr. Moussa (see para. 20 above). I was also informed that the Minister had issued a public statement declaring that "Kuwait believes that the Secretary-General should play a major role in working out a solution".

26. On 8 May, the Minister of State for Foreign Affairs of Kuwait, Mohammad Al-Sabah, stated that he regarded Iraq's pledge to return the Kuwaiti national archives through the League of Arab States and not through the mechanism established by paragraph 14 of resolution 1284 (1999) as an attempt to deny what was agreed upon during the Arab Summit in Beirut.

27. On 19 May, Sheikh Salem Sabah Al-Salem Al-Sabah, the Chairman of the Kuwaiti National Committee for missing persons and prisoners of war, stated in Cairo that, in his talks with the Secretary-General of the League of Arab States, he had reiterated Kuwait's position that the United Nations should be

responsible for overseeing the possible handover by Iraq of the Kuwaiti national archives. The Secretary-General of the League, as reported by *Al Watan*, expressed surprise at that statement and the reluctance of Kuwait to receive the archives through the League. Mr. Moussa said that he would continue efforts to implement the Security Council resolutions, and those efforts would be undertaken "in the framework of international legitimacy".

28. On 21 May, I spoke to Mr. Moussa in order to clarify the situation concerning the return of the archives and later addressed a letter to him on the issue.

29. On 31 May, I sent a letter to the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, informing him about the communication from the Secretary-General of the League of Arab States regarding Iraq's reported willingness to return various documents belonging to the Kuwaiti national archives. In the letter, I drew Sheikh Sabah's attention to my second report pursuant to paragraph 14 of resolution 1284 (1999) (S/2000/575), in particular paragraphs 3, 4, 7, 8, 9, 17 (c) and 19, as well as documents S/22361 of 19 March 1991, S/1994/243 of 2 March 1994, S/1994/243/Add.1 of 11 March 1994 and S/1996/1042 of 16 December 1996, which contain detailed information regarding the precise mechanism for the return of property through the Office of the Secretary-General, in consultation with the parties, and through the procedure that had the agreement of Iraq and Kuwait. I requested that the Minister for Foreign Affairs provide an early indication whether my proposal for the re-establishment of the above-mentioned mechanism would meet with the approval of the Government of Kuwait. I also sent a letter on 31 May to the Minister for Foreign Affairs of Iraq, requesting a formal confirmation of his Government's intention to return the property in question to Kuwait, as well as of Iraq's concurrence with my proposal concerning the re-establishment of the mechanism facilitating the return of the property.

30. In response to my letter of 31 May, the First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait, in a letter dated 3 June 2002, informed me that the Government of Kuwait agreed with my proposal for the re-establishment of the mechanism referred to above, and that Kuwait welcomed the efforts made by the League of Arab States. The letter also outlined the Kuwaiti position that the issue must be resolved in the context of the implementation of the relevant Security Council resolutions; that the United Nations retained primary responsibility for monitoring that issue; and that the Government of Iraq must return all Kuwaiti property in its possession to bring full closure.

31. In a letter dated 8 June 2002, the Minister for Foreign Affairs of Iraq replied to my letter of 31 May by stating that Iraq was prepared to return documents and property belonging to Kuwait through a mechanism that would include the League of Arab States and the United Nations, through UNIKOM, and in the presence of representatives of Kuwait and Iraq, a representative of the United Nations Secretariat and a representative of the League of Arab States.

IV. Observations

32. I have consistently called on the international community to continue, through all available channels, efforts aimed at the expeditious resolution of the return of all Kuwaiti property, including archives, seized by Iraq. In this regard, the high-level Coordinator, Yuli Vorontsov, has made every effort to promote this humanitarian process with a view to bringing to closure the file of stolen Kuwaiti property. It is therefore an encouraging development that Iraq has expressed its intention, as conveyed to the Secretary-General of the League of Arab States and reconfirmed in the letter to me dated 8 June 2002 from Mr. Sabri, to return documents belonging to the Kuwaiti national archives. In this context, I am grateful to the League of Arab States and its Secretary-General, Amre Moussa, for their active role in facilitating the return of Kuwaiti property.

33. It will be recalled that the members of the Security Council have always stressed that the return of the Kuwaiti national archives would be an important signal of the willingness of Iraq to cooperate on outstanding humanitarian issues. They also supported further exploration of pragmatic approaches for identifying modalities for the return of Kuwaiti property. At present, there is no active mechanism in the field similar to the one established in 1991. To that end, I have written to both sides as indicated in paragraph 29 above. I am gratified that both Governments have concurred with my proposal to re-establish the mechanism previously used for the return of property. I am encouraged and hopeful that the

responses of Kuwait and Iraq to my letter of 31 May represent an auspicious beginning to a process that could lead to the full resolution of this issue. The forthcoming round of talks with the Minister for Foreign Affairs of Iraq will provide an opportunity to address this issue in more detail.

34. After many years of dashed hopes, it appears that some substantive progress regarding the return of Kuwaiti property can be made. I should like to reiterate that the high-level Coordinator stands ready to discuss the modalities for the return of Kuwaiti property with the parties, as well as with the Secretary-General of the League of Arab States. I am also happy to note that both sides would welcome the participation of the League of Arab States in the implementation of the return mechanism.

35. At the same time, I strongly urge the Government of Iraq to make further efforts regarding the whereabouts of all remaining Kuwaiti property in its possession, in particular the remaining elements of the national archives of Kuwait. As the leadership of Iraq is fully aware, this humanitarian issue can only be brought to closure through a complete return of all Kuwaiti property. The United Nations is fully prepared to do its utmost to be of assistance in this process in accordance with the relevant Security Council resolution and the wishes of the parties, and in collaboration with the League of Arab States.

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Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and statements by its President regarding the Democratic Republic of the Congo, in particular resolution 1355 of 15 June 2001,

Reaffirming the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo and of all other States in the region,

Reaffirming further the obligation of all States to refrain from the use of force against the territorial integrity and political independence of any State, or in any other manner inconsistent with the purposes and principles of the United Nations,

Reaffirming also the sovereignty of the Democratic Republic of the Congo over its natural resources, and, in this respect, looking forward to receiving the report by the Panel of Experts on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo and the link between the exploitation and the continuation of the conflict,

Recalling the responsibilities of all parties to cooperate in the full deployment of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC),

Acknowledging the positive role of the Facilitator and of the President of South Africa in the conduct of the Inter-Congolese Dialogue in Sun City, South Africa,

Taking note of the idea of a curtain of troops, which was raised during the Security Council mission to the Great Lakes region, and *encouraging* the Secretary-General, if asked to do so by the parties, to instruct MONUC to facilitate the development of this idea, with a view to possible support to its implementation, including by sending observers,

Recognizing the importance of electoral support in achieving governmental transition in the Democratic Republic of the Congo, and *expressing its intention*, once an all-inclusive transitional Government is in place, to consider the role the international community, in particular MONUC, might play in support to the electoral process,

Underlining that the main responsibility for resolving the conflict rests with the parties,

Taking note of the Secretary-General's report of 5 June 2002 (S/2002/621) and its recommendations,

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Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

1. *Decides* to extend the mandate of MONUC until 30 June 2003;

2. *Calls upon* Member States to contribute personnel to enable MONUC to reach its authorized strength of 5,537, including observers, within the time frame outlined in its concept of operation;

3. *Takes note* of the recommendation by the Secretary-General for a troop ceiling increase and expresses its intention to consider authorizing it as soon as further progress has been achieved and the steps referred to in paragraph 12 of resolution 1376 (2001) of 9 November 2001 have been taken;

4. *Condemns* ethnically and nationally based calls for violence and the killings and attacks against civilians and soldiers that followed the events that took place on 14 May and thereafter in Kisangani, *looks forward to* receiving the joint report and recommendations by MONUC and the Office of the High Commissioner for Human Rights on the violence in Kisangani, and *reiterates* that it holds the Rassemblement Congolais pour la Democratie-Goma, as the de facto authority, responsible to bring to an end all extrajudicial executions, human rights violations and arbitrary harassment of civilians in Kisangani, and all other areas under RCD-Goma's control, and that it demands the demilitarization of Kisangani;

5. *Condemns* the exploitation of ethnic differences in order to incite or carry out violence or human rights violations, *deplores* the humanitarian impact of such abuse, and in this regard *expresses particular concern* at the situation in the Ituri region and in South Kivu, in particular in the Hauts Plateaux, and *calls on* the de facto authorities in the regions affected to ensure the protection of civilians and the rule of law;

6. *Reiterates* its full support for the Special Representative of the Secretary-General and for all the dedicated MONUC personnel who operate in challenging conditions, *demands* that RCD-Goma provide full access and lift all restrictions on MONUC personnel, and fully cooperate with MONUC in the implementation of its mandate, and *urges* Rwanda to exert its influence to have RCD-Goma meet without delay all its obligations;

7. *Recalling* paragraph 8 of resolution 1291 (2000) of 24 February 2000 and paragraph 19 of resolution 1341 (2001) of 22 February 2001, *supports* the steps outlined in paragraphs 25 and 71 of the Secretary-General's report (S/2002/621) and *reaffirms* MONUC's mandate to take the necessary action in the areas of deployment of its armed units and as it deems it within its capabilities:

- to protect United Nations and co-located Joint Military Commission personnel, facilities, installations and equipment,
- to ensure the security and freedom of movements of its personnel,
- and to protect civilians under imminent threat of physical violence;

8. *Requests* MONUC to proceed expeditiously in the deployment of the additional 85 police trainers to Kisangani as endorsed in the statement of its President dated 24 May 2002, once MONUC determines that the necessary security conditions are in place;

9. *Supports* MONUC's role in Disarmament, Demobilization, Repatriation, Resettlement, and Reintegration (DDRRR) as authorized in relevant Security Council resolutions, *welcomes* its deployment to Kisangani and Kindu, *encourages* it to move quickly to respond to any signs of interest in voluntary DDRRR by uncontrolled armed groups in the eastern parts of the Democratic Republic of the Congo, within its current means, and *calls for* the full cooperation of all the parties on DDRRR, including on the DDRRR of the ex-combatants of Kamina, and for the provision of the necessary planning information referred to in paragraph 12 (ii) of resolution 1376 (2001);

10. *Welcomes* the commitments made by the President of the Democratic Republic of the Congo, during the Security Council mission to the Great Lakes, not to support the armed groups referred to in Annex A, Chapter 9.1 of the Lusaka Ceasefire Agreement and regarding the cooperation with the International Criminal Tribunal for Rwanda and, in this regard, *urges* the Government of the Democratic Republic of the Congo fully to implement these commitments and urgently to take all necessary steps to ensure that its territory is not used to support these armed groups;

11. *Stresses* that the reduction in the number of foreign forces in the territory of the Democratic Republic of the Congo is encouraging, *demands* the total and expeditious withdrawal of all foreign forces, in accordance with its previous resolutions, without which the conflict cannot be resolved, and, in this regard, *reiterates* that all parties must transmit to MONUC, in accordance with the Lusaka Ceasefire Agreement and Security Council resolutions, in particular resolution 1376 (2001), the plans and timetables for the total withdrawal of their troops from the territory of the Democratic Republic of the Congo;

12. *Encourages* the parties, especially the Government of the Democratic Republic of the Congo and the Government of Rwanda, to address the fundamental security issues at the heart of the conflict and, in this context, to explore the scope for further confidence-building measures, such as the idea discussed during the Security Council mission to the Great Lakes region of a curtain of troops, as an interim measure aimed at ensuring border security in the final stages of withdrawal, and *encourages* the parties to follow up on their initial positive reaction and develop this idea;

13. *Reiterates* its support for the Inter-Congolese Dialogue and *encourages* the Government of the Democratic Republic of the Congo, Mouvement pour la Libération du Congo (MLC) and RCD-Goma to hold new discussions as soon as possible, in good faith, and without precondition, taking into account the progress in the Inter-Congolese Dialogue achieved in Sun City, in order to reach an all-inclusive agreement on the political transition, with the support of all the Congolese parties to the Inter-Congolese Dialogue;

14. While reaffirming that the primary responsibility for this dialogue lies with the Congolese themselves, *stresses* the importance of a strong United Nations role in support of this process and, in this respect, *supports* the efforts of the newly appointed Special Envoy of the Secretary-General, Mr. Mustapha Niasse;

15. *Requests* all parties and relevant States to extend their full cooperation to the Panel of Experts on the illegal exploitation of natural resources and other forms

of wealth of the Democratic Republic of the Congo and the link between the exploitation and the continuation of the conflict;

16. *Requests* the Secretary-General to report at least every four months to the Council on progress on the implementation of this resolution;

17. *Decides* to remain actively seized of the matter.